

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

David Howard

v.

Civil No. 12-cv-497-SM

Michael J. Astrue, Commissioner,  
United States Social Security Administration

**O R D E R**

Pro se claimant David Howard has filed an action challenging a decision of the Social Security Administration ("SSA") denying his claim for social security disability insurance, pursuant to 42 U.S.C. § 405(g). Because Howard is proceeding pro se and in forma pauperis, the matter is before the court for preliminary review. See 28 U.S.C. § 1915(e)(2); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(1)(B).

**Discussion**

Howard is seeking judicial review of an adverse SSA decision on his application for social security disability benefits. Howard filed this action within sixty days of obtaining a final decision of the SSA Commissioner on his claim,

as required by 42 U.S.C. § 405(g). Accordingly, the matter may proceed at this time.

#### Conclusion

The complaint (doc. no. 1) shall be served upon defendant. See Fed. R. Civ. P. 4(c)(3). The clerk's office is directed to issue the necessary summonses and to then forward to (1) the United States Attorney for the District of New Hampshire; (2) the Attorney General of the United States; and (3) Michael Astrue, Social Security Administration Commissioner, by certified mail, return receipt requested, the summonses, along with copies of the complaint (doc. no. 1) and this Order. See Fed. R. Civ. P. 4(i)(2).

Defendant is instructed to answer or otherwise plead within 60 days of service, see Fed. R. Civ. P. 12(a)(2), and to file the certified administrative record, in accordance with 42 U.S.C. § 405(g) and LR 9.1.

The parties shall comply with all applicable rules thereafter, including LR 9.1, concerning social security cases filed in this court.

Howard is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendant by delivering or mailing the materials to

defendant or defendant's attorney(s), pursuant to Fed. R. Civ.

P. 5(b).

**SO ORDERED.**

A handwritten signature in black ink, appearing to be 'L. McCafferty', is written over a horizontal line.

Landya B. McCafferty  
United States Magistrate Judge

December 20, 2012

cc: David Howard, pro se

LBM:nmd